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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,668	02/26/2002	Scott R. Gremmert	H0002146	8676
128	7590	07/29/2004	EXAMINER	
HONEYWELL INTERNATIONAL INC. 101 COLUMBIA ROAD P O BOX 2245 MORRISTOWN, NJ 07962-2245			AMSBURY, WAYNE P	
			ART UNIT	PAPER NUMBER
			2171	

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,668

Applicant(s)

GREMMERT ET AL.

Examiner

Wayne Amsbury

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/30/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

CLAIMS 1-26 ARE PENDING

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-7 and 26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claimed invention is conceptual and abstract, rather than concrete, such as a computer-related invention.

2. The drawings are objected to because they are not fully labeled (FIG 3-6 in particular), and do not show all of the claimed features, such as parallel extraction, priority and integrity requirements, and others. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures.

Art Unit: 2171

The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 7 and 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

These claims contain the phrase "separate terrain servers" which is not supported by the Specification, as it occurs for the first time in the claims.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2171

Claims 1-6, 8-11, 13, 17-21 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by DeLorme et al (Delorme), US 5,559,707, 24 September 1996.

Delorme is directed to a computer aided routing system that determines and provides routing information for users [COL 2 lines 20-26], and teaches the use of embodiments that are explicitly addressed to terrain [COL 43 lines 29-54].

As to **claim 1**, Delorme provides terrain data to multiple users who are multiple requesters [FIG 2; COL 9 lines 15-46]. Delorme teaches that users select an area of interest [COL 3 line 61 and after], and explicitly notes that data is extracted from a database [COL 31 lines 32-50; COL 35 lines 12-29; COL 47 line 50 and after]. The extracted data is sent to the requester [FIG 1x-2 and discussion]. Delorme provides for extensive formatting of the requested data throughout [COL 2 lines 19-32 and elsewhere].

As to **claim 2**, map scaling is taught repeatedly by Delorme, such as at COL 28 lines 29-46].

As to **claim 3**, the user in Delorme is given a wide range of options [FIG 2; COL 26 lines 49-63] and in particular may choose orientations [COL 14 lines 12-27 and elsewhere].

As to **claim 4**, the entire discussion of FIGS 1B-1P [COL 12 line 27 and after] is directed to choosing location and size and resolution and type of terrain data required.

As to **claim 5**, there are processes occurring at several levels, all ultimately controlled at some level by the user.

From the dependency of claim 5 on claim 1 it is clear that the intent of further limitation is control by the user, as opposed to other forms of industrial process control. All of the options noted above in Delorme are directed to user control of the process, which is an iterative process [COL 2 line 59 and after; COL 15 line 64 and after].

As to **claim 6**, the options of the user, as noted above, are used to address routing and priorities. The user imposes integrity on the results within the iterative process. In particular, note the use of multiple databases [COL 16 lines 37-55 and after].

The elements of **claims 8-11, 13, 17-21 and 26** are rejected in the analysis above and these claims are rejected on that basis.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

Art Unit: 2171

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 7, 12, 14-16 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al (Delorme), US 5,559,707, 24 September 1996 in light of Lamburt et al (Lamburt), US 6,374,241, 16 April 2002.

Official Notice is taken that it was well known at the time of the invention to use multiple servers for performing online data queries in an efficient manner and in particular for streaming of multimedia data for the purposes of reliability or integrity or redundancy and.

In the interest of compact prosecution, Lamburt is provided as evidence of the Official Notice above. Lamburt is addressed to facilitating efficient data transfer of multimedia data (such as terrain data) [0003] in order to enhance the performance and reliability of data transmission to a user [0044]-[0046].

As to claims 7 and 12, Delorme teaches the use of multiple databases, but does not explicitly place them on separate servers, which is the further limitation of this claim. Terretta provides evidence that it was well known at the time of the invention to service online queries from separate server nodes, each fully redundant and capable of processing a request [ABSTRACT and elsewhere].

It would have been obvious to one of ordinary skill in the art at the time of the invention to service queries on separate servers because redundancy provides for comparison of sources and the correction of errors, thus promoting data integrity.

As to **claims 14-15**, Lamburt teaches the use of queues in general for managing cached data objects [COL 27 lines 57-60], and for managing requests in particular [FIG 23; COL 11 lines 7-12; COL 11 lines 41-45; COL 16 lines 32-50]. The functions of adding and removing (de-queuing) are inherent in the data structure of a queue. **It would have been obvious** to one of ordinary skill in the art at the time of the invention to remove aborted requests because otherwise they would be improperly processed when they reach the front of the queue.

As to claim 16, the use of a queue determines that orders are processed by in the order received.

The elements of **claims 22-24** are rejected in the analysis above and these claims are rejected on that basis.

As to **claim 25**, Lamburt explicitly teaches the use of parallel processing [COL 57 lines 37-45; COL 58 lines 14-28].


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 703-305-3828. The examiner can normally be reached on M-TH 7-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2171

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WPA


WAYNE AMSBURY
PRIMARY PATENT EXAMINER